

REMARKS

Claims 1-7 and 36-60 have been cancelled without prejudice. Applicants reserve the right to pursue claims similar to or identical to claims 1-7 and 36-60 in one or more divisional applications claiming priority to the instant application.

Claims 8-35 remain pending.

Information Disclosure Statement

An Information Disclosure Statement has been filed herewith.

Rejections Under 35 U.S.C. §102

Claims 8, 10-27, and 29-35 were rejected under 35 U.S.C. §102(b) as being anticipated by Armand, et al., U.S. Patent No. 5,523,180 ("Armand").

The Office Action asserts that Armand discloses material that may be non-crosslinked or crosslinked, as shown in the abstract. However, Applicants do not see where in the abstract or elsewherein Armand is a non-crosslinked material meeting the other criterial of claim 8 disclosed or suggested. Instead, the abstract states "at least one segment (B) having excellent mechanical properties, either intrinsically or once a number of segments (B) have been cross-linked."

Armand teaches that the mechanical properties achieved through segment B "are obtained either by the rigidity of the chain constituting the segment B or by the functional groups present on B which make it possible for the segments B to crosslink or crystallize with each other". (col 2, ln 31) The instant invention distinguishes these approaches by requiring in claim 8 "a non-crosslinked association of a plurality of block copolymer chains...the association amorphous and nonglassy through the entire range of at least from about 0 °C to about 70 °C." Hence both blocks of the instant invention are non-crosslinked, amorphous (i.e., non-crystalline) and non-glassy (non-rigid).

The Office Action also asserts that "Armand (5,523,180) teaches a polymer electrolyte which is a block polymer comprising an ionically conductive block and a second block that is immiscible in the ionically conductive block," and "The chains arranged in an ordered nanostructure including a continuous matrix of amorphous domains defined by association of ionically-conductive blocks providing continuous ionically-conductive pathways, and amorphous second domains, immiscible with the ionically-conductive domains, defined by association of

second blocks.” However, the Office Action has not indicated where in Armand can such teachings be found. Applicants do not observe where Armand teaches such elements, and respectfully request clarification or withdraw of the rejection on these grounds.

The Office Action also asserts that the materials in Armand are the same as the instant invention, and thus, Armand inherently discloses a glass temperature range that is the same as the instant invention. However, the Office Action has not first shown that Armand discloses the same materials as the instant invention. Thus, the Office Action cannot use inherency to show that Armand inherently discloses a glass temperature range that is the same as the instant invention, i.e., the Office Action cannot assume as true what is being proven. Furthermore, Armand does not teach a glass temperature range that is the same as the instant invention. Armand teaches materials that are amorphous only above a temperature of between 40 °C and 65 °C (Col. 1, lines 18-21). In contrast, the materials as recited in claim 8 (and claims dependent therefrom) are amorphous and non-glassy through the entire range of at least from about 0 °C to about 70 °C.

The Office Action also states that Armand discloses techniques for precipitation and evaporation, as well as anions, cations, metal salts, branched polymers, various acrylates, and polyethylene glycols. The Office Action also calculates a volume fraction of 0.50 to 0.85, although it is not clear how. The Office Action further states that Armand discloses electrolyte salts, conductive liquids, molecular weights of copolymers, and suggests that Armand can be used in lithium batteries. However, even if these statements are all assumed to be correct, Applicants do not understand the relevance such a listing of materials has on claims 8-35. For instance, claim 8 does not specifically recite such compounds, but instead recites a non-crosslinked association of a plurality of block copolymer chains each including at least one ionically-conductive block and at least one second block immiscible with the ionically-conductive block. Applicants nowhere see where a volume fraction is claimed in the instant application. Applicants respectfully request clarification or withdrawal of the rejection on this basis.

For at least the above-mentioned reasons, it is respectfully requested that the rejection of claims 8-35 be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Claims 9 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Armand. The Office Action rejects claims 9 and 28 as being product-by-process claims that are the same or obvious from a product of the prior art.

Applicants believe that the materials of the instant invention are not the same as the materials disclosed in Armand, for at least the reasons described above with respect to the rejection under 102(b). Consequently, it is believed that MPEP §2113 is not applicable, and it is respectfully requested that the rejection of claims 9 and 28 be withdrawn.

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CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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